

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-090350
	:	TRIAL NO. B-0807290
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
HENRY HARRIS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Following a bench trial, defendant-appellant, Henry Harris, was convicted of robbery under R.C. 2911.02(A)(3). The trial court sentenced him to serve two years' incarceration.

As provided in *Anders v. California*,² Harris's appointed counsel has advised this court that, after a thorough review of the record, he can discern no arguable assignments of error to present on appeal. He has advised Harris of this determination, and Harris has not responded. Harris's counsel now asks this court to conduct an independent review of the record to determine whether the proceedings below were free from prejudicial error.³ He has also filed a motion to withdraw as Harris's counsel.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² (1967), 386 U.S. 738, 87 S.Ct. 1396.

³ See *State v. Dorsey*, 1st Dist. No. C-070147, 2007-Ohio-5869; *State v. Mackey* (Dec. 17, 1999), 1st Dist. No. C-990302; *Freels v. Hills* (C.A.6, 1988), 843 F.2d 958.

After reviewing the entire record, we are satisfied that Harris's counsel has provided his client with a diligent and thorough search of the record, and that he has correctly concluded that the proceedings below were free from prejudicial error.⁴ We hold that no grounds exist to support a meritorious appeal. Therefore, we affirm the trial court's judgment and overrule counsel's motion to withdraw. We find the appeal to be frivolous under App.R. 23 and R.C. 2505.35, but refrain from taxing costs and expenses against Harris because he is clearly indigent.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on January 20, 2010
per order of the Court _____.
Presiding Judge

⁴ See *Penson v. Ohio* (1988), 488 U.S. 75, 109 S.Ct. 346; *Dorsey*, supra.